

IN THE UNITED STATES  
DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF ALABAMA  
RECEIVED

UNITED STATES OF AMERICA

V  
LEONARD HACKETT,  
U.S. DISTRICT COURT  
MIDDLE DISTRICT

CASE NO. 1-06-CR-101-MHT

MATTHEW OKONKWO

MOTION TO ALLOW THE DEFENDANT TO SUBMIT  
FORM I-485, APPLICATION TO REGISTER PERMANENT  
RESIDENCE OR ADJUST STATUS

COMES NOW the defendant Matthew Sunday Okonkwo and moves this Honorable Court to approve form I-485, application to register permanent residence or adjust status attached with motion and or direct the Immigration and Customs Enforcement to do like wise. by showing the following

1. That the Defendant entered United States on a student multiple visa through JFK International Airport on September 22 1985 and was duly inspected by immigration and customs officials; and has not travel out of this country since then.

2. That about August or early September 1988 the defendant was found deportable by INS Administrative Judge for accepting unauthorized employment. This incident stemmed from filling application for adjustment status. By September 15 1988 INS allowed me to file new application and urge me to return to Dothan because they detained me in Atlanta Georgia for approximately one month. Defendant was found deportable because immigrant visa number was not immediately available.

3. In 1993 a new application was filed by the defendant's spouse, in 1994 that application was approved after personal interviews in Atlanta GA office of Immigration. The approval of the petition makes immigrant visa number immediately available. Later National Visa Center in New Hampshire wrote saying that since defendant is in U.S. he choose to adjust status in U.S. or go to Nigeria to pick up immigrant visa at U.S. Embassy. Defendant chooses to adjust status in U.S.

4. INS said a waiver must be filed by defendant to remove deportation order. That form was filed, on November 28 1994 defendant and family were invited for interview in Atlanta. The waiver was approved and deportation order removed.

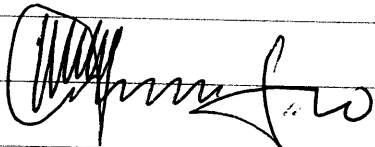
5. That Larry Ellis U.S. special Agent lied under oath before Grand Jury on February 28 2006 and the United States District Court on May 16 2001 saying that the defendant was arrested and deported in Brussels, Belgium in possession of 775 grams of heroin. And said drug was bound in route to United States. He also states that Defendant was barred from entering U.S. forever. If his statement is true, then Defendant is illegal; but his statement is absolutely false.

6. That on April 13 2006, three Marshalls came to my house to arrest me. Their leader told Defendant to take those documents which established that he is in U.S. legally. Following his instruction, Defendant took some papers namely NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION and NATIONAL VISA CENTER LETTER, copies attach. About twenty miles to Montgomery from Dothan, Marshall called David of Immigration and Customs Enforcement in Montgomery and told him that Mr Okonkwo is under arrest and that we are heading to his office. When we got to his office, David seized those official documents saying "this will hurt me." I went to rest room to wash my hands after finger print, he was close all the way, Defendant heard David said that he has all papers but Marshall responded that he did not like Nigerians. Defendants demanded for the return of these papers but they refused. They also said that I was arrested in Brussel on drug trafficking, tried and deported to Lagos Nigeria. Defendant deny it as untrue not knowing that Larry Ellis has testify under oath about it.

7. That this court has already ruled partially in this matter without hearing from Defendant. The ruling was based on charges or evidence presented by Immigration and Naturalization Service. Defendant believed that this honorable court, being a Federal Court has power and jurisdiction over this matter.

8. Defendant respectfully requests that this Honorable Court grant the foregoing and approve Form I-485, Application to Register Permanent Residence or Adjust Status. And also order INS to and additional forms needed to complete the process.

Respectfully Submitted this the 9<sup>th</sup> day of April 2007



Matthew S. Okonkwo  
Defendant